

Remarks

On May 12, 2003, Applicant's attorney and Supervisory Patent Examiner (SPE), Mr. Vincent Millin, conducted a telephonic interview to discuss Applicant's concerns regarding the Patent Office's examination of this case. At that time, Applicant's attorney indicated that the shortened statutory deadline for responding to the outstanding Office Action (Paper No. 21) was May 13, 2003. SPE Millin indicated that he would review the prosecution history and contact Applicant's attorney promptly with his conclusions.

Applicant's attorney did not hear from SPE Millin, and contacted him again on May 30, 2003. SPE Millin indicated that he had reviewed the prosecution history and agreed that the Patent Office's examination of this case was improper. SPE Millin also indicated that he would remove the case from Primary Examiner Aker's docket and that the case would probably be allowed. At that time, Applicant's attorney indicated that the shortened statutory deadline had passed as a result of this issue, and that the extended deadline for responding to the outstanding Office Action (Paper No. 21) was June 13, 2003.

Applicant's attorney has not heard from SPE Millin, Primary Examiner Akers, or any other examiner in connection with this case since the May 30, 2003 conversation with SPE Millin. Applicant's attorney has made repeated attempts to contact SPE Millin, and repeatedly left voice mails. Currently, SPE Millin's voice mail box is full. On suggestion from the Group receptionist, Applicant's attorney has also made repeated attempts to contact the Patent Office's Customer Service Department, but no one has answered the telephone. The voice mail box for that department is also full.

Based on SPE Millin's conclusion that the Patent Office's examination of this case was improper, and because SPE Millin indicated that the case would likely be allowed, the Applicant does not believe that any response to the outstanding Office Action (Paper No. 21) is due. Nonetheless, the Applicant submits herewith responsive arguments already made in Applicant's Appeal Brief (Paper No. 18) and in responses to past Office Actions.

In view of the foregoing, and further in view of the following arguments, Applicant believes that all pending claims are in condition for allowance, and respectfully requests same.

Rejections Under 35 USC 112, first paragraph

The Applicant respectfully traverses the Examiner's rejection of independent claims 1 and 8 under 35 USC 112, first paragraph. More specifically, Applicant contends that the specification, as originally filed, provided a written and enabling disclosure with respect to the element "licensing information."

Applicant relies on the following excerpt of MPEP 2163 in support of its position:

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.

* * *

It is now well accepted that a satisfactory description [of the claimed invention] may be in the claims or any other portion of the originally filed specification.

* * *

The examiner has the initial burden, after a thorough reading and evaluation of the content of the application, of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims. There is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed.

(Emphasis added, citations omitted.)

Applicant respectfully points out to the Examiner that "licensing information" elements of the Applicant's invention were expressly recited in claims 5 and 6, as originally filed:

5. The method of claim 1 further comprising **collecting vehicle licensing information as part of the loan/credit application form.**

6. The method of claim 5 further comprising automatically **transmitting the collected licensing information to an appropriate licensing agency or service provider.**

(Emphasis added.)

Applicant contends that the recitation of "licensing information" found in original claims 5 and 6, in conjunction with at least Figure 2 and the following excerpt of the Applicant's disclosure as originally filed, would permit one skilled in the art to "envisage" the claimed invention, as MPEP 2163 requires:

The address screen 30 includes data entry fields for the **applicant's name, date of birth, age, . . . [and] address.**
(Page 6, lines 11-15.)

* * *

The vehicle screen 36 includes data entry fields for information relating to the vehicle to be purchased . . . such as . . . the **vehicle identification number (VIN), year, make, model, . . . [and] mileage . . .** (Page 6, lines 25-30.)

* * *

Intermediate system server 20 operates to coordinate communication between one or more users/clients and . . . services 56 such as a **department of motor vehicles.** Communication with services 56 allows the present invention to automatically collect other information related to the vehicle sale/lease transaction, such **information related to completion of standard motor vehicle forms . . .** (Page 8, lines 22-31.)

(Emphasis added.)

Without waiver of Applicant's prior positions of record, Applicant respectfully points out that Examiner Jordan III admitted in Paper No. 3 that vehicle licensing information

is "old and well known". (Paper No. 3, paragraph 4.) Similarly, Examiner Hess admitted under official notice in Paper No. 7 that vehicle licensing information, inputting such information, and transmitting such information to a service provider is "old and well known". (Paper No. 7, paragraph 6.) In Paper No. 10, Examiner Calve admitted that that "licensing information" includes at least a vehicle identification number (VIN). (Paper No. 10, paragraph 1.) In describing Anderson et al (US Patent 5,774,883), Examiner Calve characterized feature 206 (Figure 3a - "VEHICLE INFO") as "licensing information". Anderson describes feature 206 as including "basic information about the vehicle to be purchased 110 and the customer 104". (Column 11, lines 5-15.) As stated above, such vehicle and customer information is precisely the type of information the Applicant's disclosure suggests transmitting to a licensing agency.

Furthermore, the current Examiner has failed to satisfy his burden of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims, as MPEP 2163 expressly requires the Examiner to do. The Examiner has set forth no evidence to overcome the "strong presumption" that an adequate written description of the claimed invention is present in the specification as filed.

Rejections Under 35 USC 103(a)

The Examiner has additionally rejected claims 1-3, 7-10, 12 under 35 USC 103(a) as being unpatentable over DeFrancesco (US Patent 5,878,403) in view of Bennett (US Patent 6,092,121) and further in view of Mulqueen (Communications Week "Users Test Real-Time Car Registration)(n454/p15)(May 17, 1993). In doing so, the Examiner has maintained and repeated the 35 USC 103(a) rejections raised by Examiner Calve in Paper No. 10.

The Applicant respectfully traverses this rejection and repeats the arguments made in its Appeal Brief (Paper No. 18) in response to Examiner Calve's Final Office Action (Paper No. 10). Without waiver of and as set forth more fully in the Applicant's Appeal Brief,

the proposed combination fails to teach or suggest, at least, the recited step of "transmitting licensing information to a licensing agency to facilitate vehicle licensing".

Throughout the prosecution of this case, the Examiners have repeatedly mischaracterized Bennett as disclosing "transmitting licensing information to an appropriate licensing agency" (citing Column 5, line 20 et seq.) Bennett simply teaches no such step, and the Examiners have offered no support whatsoever to the contrary. The portion of Bennett, Column 5 of that Examiners Calve and Akers have apparently relied on states:

. . . the dealer server can also access via the Internet various databases, such as a credit bureau server 20, providing access to commercial credit bureaus such as Equifax, TRW (Experian) and TransUnion, to obtain the credit rating of a potential buyer, so-called "black book" and "blue book" databases connected to server 21 to assess trade-in values, and the state's Department of Motor Vehicles server 22 to verify registration and insurance information.

(Bennett, column 5, lines 16-24, emphasis added.)

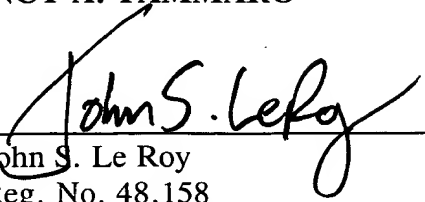
Simply "accessing", "assessing" or "verifying" information that is already stored on a third-party database, as Bennett discloses, is a far-cry from the transmission of "new" licensing information to a third party (e.g., licensing agency) for subsequent third-party processing (e.g., vehicle licensing), as claims 1 and 8 recite. Only the Applicant has recognized the advantages of such an arrangement.

Please charge the petition fee to Deposit Account No. 06-1510 (Ford Global Technologies, Inc.)

Respectfully submitted,

NANCY A. TAMMARO

By


John S. Le Roy
Reg. No. 48,158
Attorney for Applicant

Date: June 13, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351